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July 17, 2025

Application Granted. SO ORDERED.

Dated: July 18, 2025
 New York, New York

/s/ John G. Koeltl
 John G. Koeltl, U.S.D.J.

The Honorable John G. Koeltl
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl Street
 New York, NY 10007-1312

Re: Peterec-Tolino v. Pennrose LLC, et al.
1:24 cv 06911 (JGK)

Dear Judge Koeltl:

We represent defendant Habitat for Humanity and write on behalf of defendants Habitat for Humanity, Pennrose Development, LLC, Riseboro Community Partnership and the City of New York. We write in response to the Court's Order, dated July 1, 2025, which directs the parties to file a status report by July 22, 2025.

On June 14, 2025, we were informed in an e-mail sent to the undersigned by Plaintiff John Peterec-Tolino's spouse that he had passed away. On July 11, 2025, the City filed a Suggestion of Death pursuant to Rule 25 of the Federal Rules of Civil Procedure and on July 16, 2025, the City filed an Affirmation of Service for that Suggestion of Death to the late Plaintiff's home address, and the address of his next of kin.

Because the matter is currently without a Plaintiff, we ask that it be stayed for 90 days – the time for any other person to move to substitute for the late Mr. Peterec-Tolino as Plaintiff under Fed. R. Civ. P. 25(a). If such motion is filed, the parties can reconvene to determine a briefing schedule at that time. If no such motion is filed, the matter must be dismissed under FRCP 25(a)(1).

Respectfully submitted,

James L. Bernard

Partner
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 D 212-918-3121

The Honorable John G. Koeltl

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cc:

Mrs. Peterec (spouse of plaintiff pro se) (otispdriftwood407@gmail.com)
Messrs.: Kerry Cooperman, Esq. and Kenneth Fisher, Esq. (counsel for Pennrose)
Mr. Nathan Taylor, Esq. (counsel for the municipal defendants)
Mr. Gary Eisenberg, Esq. (counsel for Riseboro)
Mr. Derek Segars, Esq. (counsel for the City)